S T A T E O F N E W Y O R K

587--A

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sens. KLEIN, DIAZ, HASSELL-THOMPSON, HUNTLEY, KRUEGER, MONTGOMERY, SAMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to directing the chancellor of a city school district in a city having a population of one million or more to inventory and report upon the outdoor schoolyards within such district

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 2556 of the education law is amended by adding a new subdivision 14 to read as follows:

14. A. THE CHANCELLOR OF A CITY SCHOOL DISTRICT IN A CITY HAVING A POPULATION OF ONE MILLION OR MORE SHALL COMPILE AN INVENTORY OF AND ISSUE A WRITTEN REPORT ABOUT THE OUTDOOR SCHOOLYARDS IN THE CITY SCHOOL DISTRICT. SUCH INVENTORY AND REPORT SHALL:

(I) IDENTIFY EACH OUTDOOR SCHOOLYARD LOCATED AT EDUCATIONAL FACILITIES, AS DEFINED IN SUBDIVISION NINE OF SECTION TWENTY-FIVE HUNDRED NINETY-A OF THIS TITLE, OF THE CITY SCHOOL DISTRICT. EACH OUTDOOR SCHOOLYARD SHALL BE IDENTIFIED BY THE COMMUNITY SCHOOL DISTRICT IN WHICH THE OUTDOOR SCHOOLYARD IS LOCATED, ITS ADDRESS, APPROXIMATE SIZE AND PHYSICAL CONDITION;

(II) IDENTIFY WHICH OUTDOOR SCHOOLYARDS ARE USED FOR PHYSICAL EDUCATION, ACTIVITY AND/OR RECREATION; FOR EACH SUCH OUTDOOR SCHOOLYARD, A DESCRIPTION OF HOW OFTEN STUDENTS OF THE CITY SCHOOL DISTRICT USE THE OUTDOOR SCHOOLYARD AND ANY LIMITATIONS ON THE USES OF THE SCHOOLYARD;

(III) IDENTIFY WHICH OUTDOOR SCHOOLYARDS ARE NOT USED FOR PHYSICAL EDUCATION, ACTIVITY OR RECREATION. FOR EACH SUCH SCHOOLYARD, AN EXPLANA-

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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TION OF WHY IT IS NOT BEING USED FOR PHYSICAL EDUCATION, PHYSICAL ACTIVITY OR RECREATION BY STUDENTS OF THE CITY SCHOOL DISTRICT;

(IV) WHETHER EACH OUTDOOR SCHOOLYARD IS USED AND THE FREQUENCY OF SUCH USE DURING THE SCHOOL DAY AND WHETHER IT IS AVAILABLE FOR USE BY STUDENTS OR THE GENERAL PUBLIC DURING AFTER SCHOOL HOURS;

(V) FOR EACH OUTDOOR SCHOOLYARD, A DESCRIPTION OF THE CAPITAL PLANS FOR CONSTRUCTION, PLACEMENT, RENOVATION AND/OR RECONFIGURATION THEREOF, AND ANY PLAN TO INCREASE OR DECREASE THE AVAILABILITY AND UTILIZATION THEREOF; AND

(VI) ANY OTHER FACTS, INFORMATION AND RECOMMENDATIONS WHICH THE CHANCELLOR DEEMS NECESSARY TO IMPROVE THE OUTDOOR SCHOOLYARDS OF THE EDUCATIONAL FACILITIES OF THE CITY SCHOOL DISTRICT. SUCH IMPROVEMENTS SHALL BE THOSE THAT ENHANCE THE PHYSICAL EDUCATION, PHYSICAL AND MENTAL FITNESS, AND WELL-BEING OF THE STUDENTS OF THE CITY SCHOOL DISTRICT.

B. ON OR BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND TWELVE, THE CHANCELLOR SHALL SUBMIT THE INVENTORY AND REPORT, COMPILED PURSUANT TO PARAGRAPH A OF THIS SUBDIVISION, TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE CHAIRS OF THE SENATE AND ASSEMBLY COMMITTEES ON EDUCATION, AND THE DEPARTMENT.

C. FOR THE PURPOSES OF THIS SUBDIVISION, "OUTDOOR SCHOOLYARD" MEANS OUTDOOR SPACE WHICH IS LOCATED AT EDUCATIONAL FACILITIES, AND IS USED OR INTENDED TO BE USED BY STUDENTS FOR PHYSICAL EDUCATION, PHYSICAL ACTIVITY AND/OR RECREATION.

S 2. Section 2590-h of the education law is amended by adding a new subdivision 52 to read as follows:

52. TO COMPILE AN INVENTORY OF AND ISSUE A WRITTEN REPORT ABOUT THE OUTDOOR SCHOOLYARDS IN THE CITY SCHOOL DISTRICT, AS REQUIRED BY SUBDIVISION FOURTEEN OF SECTION TWENTY-FIVE HUNDRED FIFTY-SIX OF THIS TITLE.

S 3. This act shall take effect immediately, provided that the amendments to section 2590-h of the education law, made by section two of this act, shall not affect the expiration of such section and shall expire therewith.